



Monday
November 9, 1998

Part XXVIII

**National Archives
and Records
Administration**

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: National Archives and Records Administration.

ACTION: Regulatory plan and semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1998.

This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, dated July 8, 1998. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to participate in the rulemaking process. Some of the regulations listed in the agenda are considered significant under Executive Order 12866 "Regulatory Planning and Review."

FOR FURTHER INFORMATION CONTACT:

Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 713-7360, ext. 226.

SUPPLEMENTARY INFORMATION: For this edition of the NARA's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Dated: August 27, 1998.

John W. Carlin,

Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3932	NARA Facilities	3095-AA06
3933	Records Services Centers	3095-AA27
3934	Creation and Maintenance of Federal Records	3095-AA61
3935	NARA Privacy Act	3095-AA66
3936	Records Declassification	3095-AA67
3937	Researcher Registration and Research Room Procedures	3095-AA69
3938	NARA Freedom of Information Act Regulations	3095-AA72
3939	Limitations on Testimony by NARA Employees	3095-AA75
3940	Collection of Debts Owed to the United States by NARA Employees	3095-AA76
3941	Storage of Nonpaper Records and Artifacts	3095-AA80
3942	Agency Records Centers (Reg Plan Seq. No. 143)	3095-AA81
3943	Presidential Library Facilities	3095-AA82
3944	Records Center Facilities Reimbursable Program (Reg Plan Seq. No. 144)	3095-AA86
3945	NARA Reproduction Fees	3095-AA87
3946	Standards for Agency Recordkeeping Requirements (Reg Plan Seq. No. 145)	3095-AA88

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3947	Debt Collection	3095-AA77

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3948	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	3095-AA78

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
3949	NARA Federal Acquisition Regulation Supplement; Drug and Alcohol-Free Work Force	3095-AA84
3950	Technical Amendments to Record Management Regulations	3095-AA85

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3932. NARA FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2110**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

Abstract: NARA is updating its regulations on the use of NARA facilities and property to remove obsolete material and to clarify existing provisions, and to add provisions for the new facility in College Park, Maryland (Archives II).

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	
NPRM Comment Period End	12/00/98	
Final Action	01/00/99	
Final Action Effective	02/00/99	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None

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RIN: 3095-AA06

records to records centers. NARA is also adding a new procedure that new accessions of Top Secret records will only be accepted at the Washington National Records Center. The new policy also will identify which records centers will accept records with other levels of security classification. The new policy for security classified records will reduce NARA costs associated with storing and servicing Top Secret records.

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	
NPRM Comment Period End	12/00/98	
Final Action	01/00/99	
Final Action Effective	02/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 3095-AA27

3934. CREATION AND MAINTENANCE OF FEDERAL RECORDS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 44 USC 2904; 44 USC 2905; 44 USC 3101; 44 USC 3102; 44 USC 3301; 44 USC 3314**CFR Citation:** 36 CFR 1222**Legal Deadline:** None**Abstract:** This regulation expands the guidance on personal papers and adds

a requirement for agencies to protect against the removal of Federal records by issuing written procedures for removal of nonrecord and personal materials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	
NPRM Comment Period End	12/00/98	
Final Action	02/00/99	
Final Action Effective	03/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Michael Miller, Director, Modern Records Programs, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
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RIN: 3095-AA61

3935. NARA PRIVACY ACT**Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104(a); 5 USC 552(a)**CFR Citation:** 36 CFR 1202**Legal Deadline:** None

Abstract: NARA is updating its Privacy Act regulations governing NARA-created (administrative) records to reflect organizational and procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	08/26/98	63 FR 45433
NPRM Comment Period End	10/26/98	
Final Action	11/00/98	
Final Action Effective	12/00/98	

3933. RECORDS SERVICES CENTERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2907; 44 USC 3103**CFR Citation:** 36 CFR 1228**Legal Deadline:** None

Abstract: NARA is updating regulations in subpart I of part 1228 to clarify provisions for the transfer of

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Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Christopher Runkel, Deputy General Counsel, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA66**3936. RECORDS DECLASSIFICATION****Priority:** Other Significant**Legal Authority:** 44 USC 2101 to 2118; 5 USC 552; EO 12600; EO 12958; EO 12356**CFR Citation:** 36 CFR 1254; 36 CFR 1260**Legal Deadline:** None**Abstract:** NARA plans to revise its regulations on mandatory review and declassification of its archival holdings to reflect the provision of EO 12958, Classified National Security Information. The revised regulations will affect Federal agencies as well as the public.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/99	
NPRM Comment Period End	05/00/99	
Final Action	06/00/99	
Final Action Effective	07/00/99	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard, Regulatory Contact, Policy and Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA67**3937. RESEARCHER REGISTRATION AND RESEARCH ROOM PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2111**CFR Citation:** 36 CFR 1254**Legal Deadline:** None**Abstract:** NARA is updating its regulations to lower the age at which a student may be granted full research privileges from 16 years old to 14 years old; to extend the valid period of researcher cards issued by the automated application system from 2 years to 3 years; to revise the list of equipment permitted in research rooms; and to revise provisions relating to private microfilming projects.**Timetable:**

Action	Date	FR Cite
NPRM	08/11/98	63 FR 42776
NPRM Comment Period End	10/13/98	
Final Action	11/00/98	
Final Action Effective	12/00/98	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, Policy & Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA69**3938. NARA FREEDOM OF INFORMATION ACT REGULATIONS****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 552; 44 USC 2101 to 2118; EO 12600**CFR Citation:** 36 CFR 1250; 36 CFR 1254**Legal Deadline:** None**Abstract:** NARA is updating its FOIA regulations governing NARA-created (administrative) records and records accessioned into the National Archives of the United States to reflect organizational and procedural changes.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/98	
NPRM Comment Period End	01/00/99	
Final Action	02/00/99	
Final Action Effective	03/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** NARA has decided to issue revised Privacy Act and FOIA regulations in separate rulemakings.**Agency Contact:** Christopher Runkel, Deputy General Counsel, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA72**3939. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 44 USC 2104; 44 USC 2108 to 2109; 44 USC 2112; 44 USC 2201 to 2207**CFR Citation:** 36 CFR 1201; 36 CFR 1250; 36 CFR 1254**Legal Deadline:** None**Abstract:** This regulation will establish NARA's policies and procedures with respect to testimony by NARA staff and/or production of information and records in legal proceedings not involving the United States or NARA as a named party.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/98	
NPRM Comment Period End	12/00/98	
Final Action	01/00/99	
Final Action Effective	02/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA75

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Proposed Rule Stage

3940. COLLECTION OF DEBTS OWED TO THE UNITED STATES BY NARA EMPLOYEES**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 5514; 31 USC 3701 to 3719; PL 104-134, sec 31001 Debt Collection Improvement Act of 1996**CFR Citation:** 36 CFR 1201**Legal Deadline:** None**Abstract:** This regulation will establish NARA's policies and procedures for handling collection, compromise, and terminations of debts owed to the United States by NARA employees, including by salary and administrative offset. The regulation implements the Federal Claims Collection Act as amended by the Debt Collection Improvement Act of 1996.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/98	
NPRM Comment Period End	02/00/99	
Final Action	03/00/99	
Final Action Effective	04/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
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Email: christopher.runkel@arch2.nara.gov**RIN:** 3095-AA76**3941. STORAGE OF NONPAPER RECORDS AND ARTIFACTS****Priority:** Other Significant**Legal Authority:** 44 USC 2104 (a)**CFR Citation:** 36 CFR 1228; 36 CFR 1230; 36 CFR 1232; 36 CFR 1234**Legal Deadline:** None**Abstract:** NARA is revising records management regulations and policies concerning storage of non-paper records and non-documentary materials (e.g., three-dimensional artifacts and exhibits that are related to a case file) at the Washington National Records Center and regional NARA facilities that provide temporary storage for Federal

records. Agencies are responsible for ensuring that all of their records are maintained properly so that they are accessible throughout their scheduled retention period. NARA is concerned about the storage of non-paper records in facilities that do not provide appropriate environmental conditions. Such storage may contribute to deterioration of the records. Past practice has been inconsistent, and current regulations do not adequately address the issue.

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	
NPRM Comment Period End	12/00/98	
Final Action	01/00/99	
Final Action Effective	02/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road (NPOL), College Park, MD 20740-6001
Phone: 301 713-7360
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Email: nancy.allard@arch2.nara.gov**RIN:** 3095-AA80**3942. AGENCY RECORDS CENTERS****Regulatory Plan:** This entry is Seq. No. 143 in Part II of this issue of the **Federal Register**.**RIN:** 3095-AA81**3943. PRESIDENTIAL LIBRARY FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2112**CFR Citation:** 36 CFR 1281**Legal Deadline:** None**Abstract:** NARA is issuing regulations relating to the acceptance of a Presidential library facility by the Archivist of the United States from a non-Federal group or institution. The regulations will address requirements in the Presidential Libraries Act of 1986 for architectural and design standards, certifications, and reporting to Congress.**Timetable:**

Action	Date	FR Cite
NPRM	08/25/98	63 FR 45203
NPRM Comment Period End	10/26/98	
Final Action	11/00/98	
Final Action Effective	12/00/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, Policy and Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA82**3944. • RECORDS CENTER FACILITIES REIMBURSABLE PROGRAM****Regulatory Plan:** This entry is Seq. No. 144 in Part II of this issue of the **Federal Register**.**RIN:** 3095-AA86**3945. • NARA REPRODUCTION FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104 (a); 44 USC 2118 (c)**CFR Citation:** 36 CFR 1258**Legal Deadline:** None**Abstract:** NARA proposes to revise its schedule of fees for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States; donated historical materials; Presidential records and Presidential historical materials transferred to the custody of the Archivist; and records filed with the Office of the Federal Register. The fees are being changed to reflect current costs of providing the reproductions. This rule will affect members of the public and Federal agencies who order reproductions from NARA.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/99	
NPRM Comment Period End	05/00/99	
Final Action	08/00/99	
Final Action Effective	09/00/99	

NARA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kathryn Yeager,
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RIN: 3095-AA87**3946. • STANDARDS FOR AGENCY
RECORDKEEPING REQUIREMENTS****Regulatory Plan:** This entry is Seq. No.
145 in Part II of this issue of the
Federal Register.**RIN:** 3095-AA88

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3947. DEBT COLLECTION**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 5514; 31 USC
3701 to 3719; PL 104-134, sec 31001**CFR Citation:** 36 CFR 1201**Legal Deadline:** None**Abstract:** This regulation will establish
NARA's policies and procedures for
implementing the Debt Collection
Improvement Act of 1996. It provides
for the collection, compromise, ortermination of debts owed to the
United States and NARA by adopting
the Federal Claims Collection
Standards promulgated by the General
Accounting Office and Department of
Justice.**Timetable:**

Action	Date	FR Cite
Final Action	12/00/98	
Final Action Effective	01/00/99	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** Federal**Agency Contact:** Christopher M.
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christopher.runkel@arch2.nara.gov**RIN:** 3095-AA77

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Long-Term Actions

**3948. ADMINISTRATIVE
REQUIREMENTS FOR GRANTEEES TO
REFLECT SINGLE AUDIT ACT
AMENDMENTS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This
rulemaking is part of the Reinventing
Government effort. It will revise text in
the CFR to reduce burden or
duplication, or streamline
requirements.**Legal Authority:** 44 USC 2104 (a)**CFR Citation:** 36 CFR 1207; 36 CFR
1210**Legal Deadline:** None**Abstract:** This interim final revision to
the agencies' grants management
common rule, "Uniform Administrative
Requirements for Grants and
Cooperative Agreements to State and
Local Governments," and the agencies'
codification of Office of Managementand Budget (OMB) Circular A-110,
"Uniform Administrative Requirements
for Grants and Agreements with
Institutions of Higher Education,
Hospitals, and Other Non-Profit
Organizations," is issued to implement
the Single Audit Act Amendments of
1996 and the June 24, 1997, revision
of OMB Circular A-133, "Audits of
States, Local Governments, and Non-
Profit Organizations." The agencies'
rules provide uniform fiscal and
administrative requirements applicable
to all types of grants and cooperative
agreements to State and local
governments, institutions of higher
education, hospitals, and other non-
profit organizations.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937
Interim Final Rule Effective	09/29/97	

Action	Date	FR Cite
Interim Final Rule	10/28/97	
Comment Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis
Required:** Yes**Small Entities Affected:** Governmental
Jurisdictions**Government Levels Affected:** State,
Local, Tribal, Federal**Agency Contact:** Nancy Allard,
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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3949. NARA FEDERAL ACQUISITION REGULATION SUPPLEMENT; DRUG AND ALCOHOL-FREE WORK FORCE**Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Major:** Undetermined**CFR Citation:** 48 CFR ch 27**Completed:**

Reason	Date	FR Cite
Withdrawn - NARA has determined that the regulation is not necessary.	08/24/98	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has

not yet determined whether there is a paperwork burden associated with this action.

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RIN: 3095-AA84**3950. • TECHNICAL AMENDMENTS TO RECORD MANAGEMENT REGULATIONS****Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104**CFR Citation:** 36 CFR 1220; 36 CFR 1222; 36 CFR 1228; 36 CFR 1230; 36 CFR 1234; 36 CFR 1238**Legal Deadline:** None**Abstract:** The regulation updates organizations titles and locations.**Timetable:**

Action	Date	FR Cite
Final Action	07/01/98	63 FR 35829
Final Action Effective	07/01/98	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road (NPOL), College Park, MD 20740-6001

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RIN: 3095-AA85

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